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class. See also *Brook v. Brook*, 3 Sm. & G. 280, 282. The later Irish case of *Ahearne v. Ahearne*, L. R. 9 Ir. 144, in which an opposite result was reached from practically the same words in the will creating the power, was unfortunately not discussed, though it seems irreconcilable. The principal case indicates a healthy reaction from the tendency of *Brown v. Higgs*, 4 Ves. 708, and *In re Caplin's Will*, 2 Dr. & Sm. 527, to spell out a trust on the slightest pretext.

WILLS — COMPETENCY OF WITNESSES. — A statute declared void all beneficial devises and legacies to subscribing witnesses. A will leaving all of testator's property to a corporation which was organized for charitable purposes was witnessed by two members of the corporation. *Held*, that the witnesses were competent, and the devise valid. *In re Will's Estate*, 69 N. W. Rep. 1090 (Minn.).

The case follows *Quinn v. Shields*, 62 Iowa, 129, and seems rightly decided. It was there said that, as the corporation was organized for charitable purposes, and not for the pecuniary benefit of its members, and as any claim of the witnesses to a share of the assets in case of dissolution of the corporation, was not only doubtful as a matter of law, but contingent on the dissolution, the existence of assets, and the life of the witnesses at the time of dissolution, there was no "present, vested, and certain pecuniary interest" in the devise to make the witnesses incompetent or interested. The common law rule as to "interest" for testing the competency of witnesses before a jury, is here applied to attesting witnesses, as it should be. *Hitchcock v. Shaw*, 160 Mass. 140; *Warren v. Baxter*, 48 Me. 193.

WILLS — PROBATE OF JOINT WILL. — *Held*, that a writing jointly executed by two persons, purporting to be their will, devising to a third person land, parts of which belong to each, can be proved as the separate will of one as to his part on his death, while the other is still living. *In re Davis' Will*, 26 S. E. Rep. 636 (N. C.).

Some courts have been startled by this sort of will, and it has been objected that no such testamentary instrument is known to the common law. See *Walker v. Walker*, 14 Ohio, 157. This difficulty of form is apparent rather than real. The meaning of the paper is, that it is the last will of each, so far as it relates to the property belonging to each. It is revocable by either party without notice to the other, and then stands only as the will of the party not revoking. Thus it has the ambulatory quality essential to a will. At the death of one party, the sensible course is that pursued in the principal case, to probate the instrument as his separate will. *In re Stracey*, 1 Deane, 6.

REVIEWS.

THE PRESUMPTION OF INNOCENCE IN CRIMINAL CASES. By James Bradley Thayer, LL.D. Reprinted from Yale Law Journal, March, 1897. pp. 30.

Professor Thayer was the Storrs Lecturer at Yale for 1896; and this paper contains the substance of one of the lectures delivered by him in that capacity. His object in choosing the subject of the Presumption of Innocence, was to point out and examine critically the errors which were sprinkled so plentifully through the opinion of the court in *Coffin v. United States*, 156 U. S. 432. In that case "the Supreme Court of the United States had an opportunity to clear up the confusion and ambiguity that hang over the common talk about the presumption of innocence in criminal cases. The opportunity was sadly misimproved." Starting with this statement, Professor Thayer proceeds to examine the origin and history of the presumption, and to analyze keenly its true nature. The serious error, which originated perhaps in a careless statement in the first volume of Greenleaf, and which played so prominent a part in the opinion in *Coffin v. United States*, that the presumption is to be regarded by the jury as matter of evidence, is dealt with in a manner that seems to leave nothing unsaid. Professor Thayer has handled this subject, as he has so many other subjects connected with the law of evidence, in a way that must win the admiration of all students of law.

R. G. D.